

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SANTOSH RAM,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 1:21-cv-01520-JLT-EPG-HC

ORDER GRANTING RESPONDENT'S
MOTION TO STAY (ECF No. 30)

ORDER STAYING THE COURT'S ORDER
FOR A RESPONSE TO PETITIONER'S
MOTION FOR RECONSIDERATION (ECF
No. 23)

Petitioner Santosh Ram is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On October 14, 2021, Petitioner filed a federal petition for writ of habeas corpus challenging a prison disciplinary proceeding on various due process grounds. (ECF No. 1.) At the time the petition was filed, Petitioner was in the custody of the Federal Bureau of Prisons (“BOP”) at the Federal Correctional Institution in Mendota, California. (*Id.* at 1.)¹

On January 20, 2022, Respondent filed a motion to dismiss the petition for nonexhaustion in addition to arguing that the petition should be denied on the merits. (ECF No. 11.) No opposition or statement of nonopposition was filed, and the undersigned issued findings and recommendation recommending that the motion to dismiss be denied and the petition be denied. (ECF No. 12.) On May 6, 2022, the Court received Petitioner's objections to the findings and

¹ Page numbers refer to ECF page numbers stamped at the top of the page.

1 recommendation, which indicated that Petitioner never received a copy of Respondent's response
2 to the petition. (ECF No. 13 at 1.) Accordingly, the Court vacated the findings and
3 recommendation and set a new briefing schedule. (ECF No. 14.)

4 Subsequently, Petitioner moved to compel discovery. (ECF Nos. 15, 17.) On September
5 16, 2022, the undersigned denied Petitioner's discovery requests. (ECF No. 21.) Petitioner then
6 moved for reconsideration. (ECF No. 23.) On November 7, 2022, the Court ordered Respondent
7 to file a response to Petitioner's motion for reconsideration. (ECF No. 23.)

8 On November 14, 2022, the Court received Petitioner's notice of change of address,
9 which states that Petitioner "was released from BOP custody and handed over . . . to ICE for
10 deportation to India" and is currently housed at the Florence Correctional Center in Arizona.
11 (ECF No. 25.) On November 17, 2022, the Court issued an order to show cause ("OSC") why
12 the petition should not be dismissed as moot, directing Petitioner to file a response within thirty
13 days from the date of service of the order and allowing Respondent to file a reply within fourteen
14 days from the date Petitioner's response is filed in CM/ECF. (ECF No. 26.)

15 On December 1, 2022, the OSC was returned as undeliverable. On December 8, 2022, the
16 Court re-served the OSC, and again it was returned as undeliverable on December 19, 2022. On
17 January 9, 2023, the Court directed the Clerk of Court to correct a clerical error that was made in
18 updating Petitioner's address, re-served the OSC on Petitioner, and ordered that Petitioner file a
19 response to the OSC within thirty days. (ECF No. 31.) On January 18, 2023, the OSC was again
20 returned as undeliverable.

21 Meanwhile, on January 5, 2023, Respondent filed the instant motion to stay the Court's
22 order for a response to Petitioner's motion for reconsideration until April 18, 2023. (ECF No.
23 30.) The basis for Respondent's motion to stay is Petitioner's failure to respond to the Court's
24 dispositive order to show cause why the petition should not be dismissed as moot and
25 Petitioner's alleged failure to provide the Court with a current address.² Based on the foregoing,
26 the Court finds that a stay is warranted.

27 _____
28 ² The Court notes, however, that based on the ICE detainee database information provided by Respondent, Petitioner
is still housed at the Florence Correctional Center.

Accordingly, IT IS HEREBY ORDERED that:

1. Respondent's motion for stay (ECF No. 30) is GRANTED; and
2. The Court's order for a response to Petitioner's motion for reconsideration (ECF No. 23) is STAYED until April 18, 2023.

IT IS SO ORDERED.

Dated: **January 24, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE